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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,669	09/15/2003	Masuyuki Sago	0022-3479	1862
28752	7590	06/13/2006		
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			EXAMINER WONG, TINA MEI SENG	
			ART UNIT 2874	PAPER NUMBER

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/662,669

Applicant(s)

SAGO ET AL.

Examiner

Tina M. Wong

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 2,3,6,7 and 14 is/are rejected.
- 7) ☒ Claim(s) 5 and 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 April 2006 has been entered.

### *Claim Objections*

Claim 14 is objected to because of the following informalities: On lines 5 and 6, the term "the optical plug" appears to refer to the optical plug of line 2 and not another optical plug. It appears the term should read, "said optical plug". Appropriate correction is required. For the purpose of examination, the Examiner will assume "the optical plug" on lines 5 and 6 refer to the same optical plug on line 2.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 14, 2, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,821,510 to Cohen et al.**

In regards to claim 14, Cohen et al discloses an optical connector (Figure 2) for use with optical cables (Column 4, Line 40) comprising an optical plug (7) for interfacing with the end of

Art Unit: 2874

an optical cable (Column 4, Lines 40-41 & 44-46) and an optical adapter (8) optically connecting two optical plugs to each other (Figure 1A), each of which can be mounted at the end of an optical cable; an electronic means (16) associated with an optical plug containing data identifying a cable to which the optical plug is connected (Column 5, Lines 10-20 & Lines 38-40; Column 6 Lines 24-29); and a barcode (13) on the optical plug for transferring identifying data in the form of electrical signals from the electronic means to a reading means (15) when an optical plug associated with a predetermined cable is connected to the optical plug.

But Cohen et al fails to specifically disclose a contactless reading/writing means on the optical plug and adapter. However, Cohen et al does disclose a bar code. Since Applicant claims a reading means, which implies anything that would facilitate reading, the bar code on the optical plug and therefore also on the optical adapter, would facilitate the reading of the identifying data. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the bar code is a reading/writing means. Furthermore, Applicant claims an electronic means "associated" with said optical plug. The term associated is a broad term, taken by the Examiner to mean, "to connect or join together." (*The American Heritage® Dictionary of the English Language, Fourth Edition*) Since Applicant does not specifically disclose each electronic means to be associated with **each** said optical plug, the single electronic means as shown by Cohen et al (Figure 1A) can be associated with each optical plug.

In regards to claims 2, 3, 6 and 7, Cohen et al discloses all discussed above, but fails to specifically disclose the optical plug to include a memory means. However, since Applicant uses the claim language "a memory means", which implies anything associated with data that needs

Art Unit: 2874

to be remembered, the bar code on the optical plug would provide the electronic means with the data it needs to remember. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the bar code is a memory means.

Furthermore, since the bar code is a memory means, the bar code/memory means is mounted on an outer construction of the housing accommodating an optical connection portion (21) of the optical plug. (Figure 2)

*Allowable Subject Matter*

**Claims 5 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

The prior art of record fails to disclose or reasonably suggest all of the limitations of the base claim, any intervening claims and more specifically the memory means being an integrated circuit formed into an electromagnetic induction system and the antenna mounted on the adapter to electromagnetically-inductively couple to an integrated circuit.

**Claims 12 and 13 are allowed.** The prior art of record fails to disclose or reasonably suggest a system and method for testing insertion loss in optical cables including all of the limitations as claimed by Applicant but more specifically, the combination including applying a master optical cable and therefore obtaining a master signal to be connected to a test cable in order to determine the insertion loss of the test cable by using a contactless reading/writing means on a plug and adapter for transferring data from an electronic means to a computing means.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

### ***Related Art***

The related art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference A discusses a similar optical memory connector with code reading and writing devices.

### ***Inventorship***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

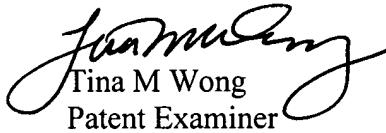
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M. Wong whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2874

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tina M Wong  
Patent Examiner